

# Notice of Allowability

Application No.

09/714,838

Examiner

Qi Han

Applicant(s)

MURDOCK ET AL.

Art Unit

2654

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/13/2004.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date this action.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the applicant's amendment dated 09/13/2004.

#### ***Response to Arguments***

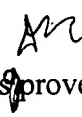
2. Applicant's arguments, see amendment, filed 09/13/2004, with respect to the rejection(s) of claim(s) 1-23 under 35USC 103(a) have been fully considered and are persuasive, the rejection has been withdrawn.

#### ***Drawings***

3. Even though the drawings (Figs 1-4) are accepted, a formal copy of the Fig.1 is required because the referenced number 100 is missing in Fig.1 (see attachment of the examiner's suggested drawing in this office action). The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.



Authorization for this Examiner's Amendment was ~~ap~~proved by applicant's representative, KIN-WAH TONG, through a telephone call on 09/12/2005. The applicant's representative also

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admitted that the claimed subject matter regarding a back channel multiplexer and multiplexing the audio singles (relating claims 2 and 15) is well known in the art. The Examiner's

Amendment is as following:

**In the Specification:**

On page 6, line 2, replace the referenced number "204" with --206--;

line 3, replace the referenced number "204" with --206--;

line 6, replace the referenced number "206" with --208--;

line 6, replace the referenced number "206" with --208--;

line 10, replace the referenced number "204" with --206--;

**In the Claims:**

**Claim 1**, line 3 of the claim, after "transmitted using a", insert --television--;

line 8 of the claim, after "via the back channel", insert --of said television network--;

line 11 of the claim, replace "said received multiplexed signal" with --said transmitted audio signal--.

**Claim 14**, line 2 of the claim, after "audio signal,", insert --where said audio signal and programming content are transmitted using a television network having a forward channel and a back channel,--.

**In the Drawings:**

**Fig. 1**, on the figure, add a referenced number --100--, (see attached Fig. 1, corrected by the examiner).

-----End of Examiner's Amendment-----

*Allowable Subject Matter*

5. Claims 1-23 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claims 1 and 14**, the instant application is directed to a system and method for providing programming content in response to an audio signal, where said audio signal and programming content are transmitted using a network having a forward channel and a back channel. Each independent claim, combining certain well known features in the art, identifies the uniquely distinct features of: transmitting a first audio signal that contains a request from a first user to the service provider via a back channel of a television network; recognizing the first user and said request (at service provider/remote server side) for said programming content from said transmitted audio signal; retrieving and transmitting the requested programming content from a program database to the user via a forward channel of said television network.

The prior art of record, Junqua et al. (US 6,314,398), Abecassi (US 6,192,340), Wactlar et al. (5,835,667) and Trower, II et al. (US 5,983,190), provided numerous teachings and alternative approaches for receiving user spoken request for automatic channel selection in interactive television with front-end (local) speech recognition, providing integration of music (audio) from personal library and multimedia player system with video/audio-on-demand services from a remote service provider, using voice response system, providing computer-based client/server animation system though internet for an interactive user interface character, and

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creating a searchable digital video library from audio and video image. However, the combined features stated above, are not anticipated by, nor made obvious over the prior art of the record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

7. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:** 571-273-8300, (for formal communications intended for entry)

**Or:** 571-273-8300, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

If no Mail Stop is indicated below, the line beginning Mail Stop should be omitted from the address.

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Randolph Building  
Alexandria, VA 22314

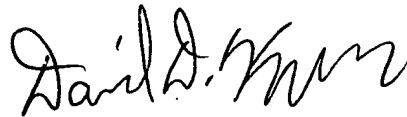
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

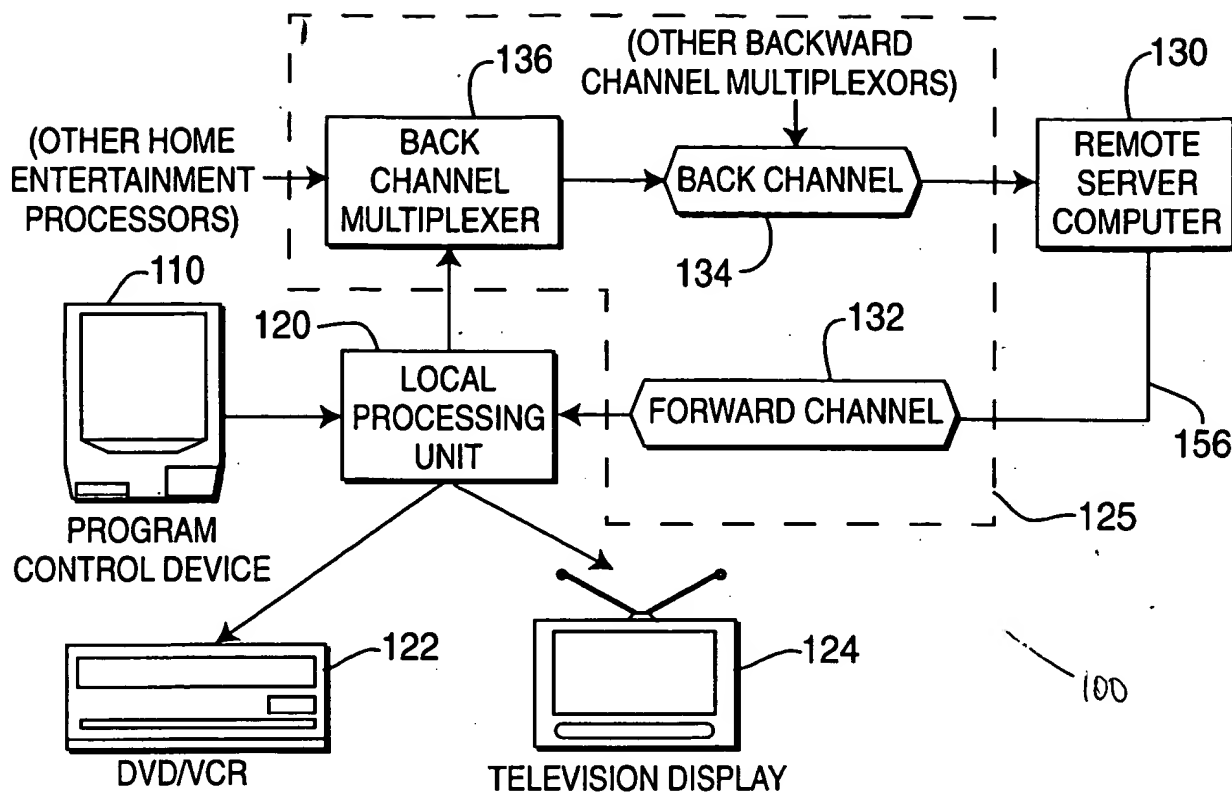
QH/qh

September 12, 2005

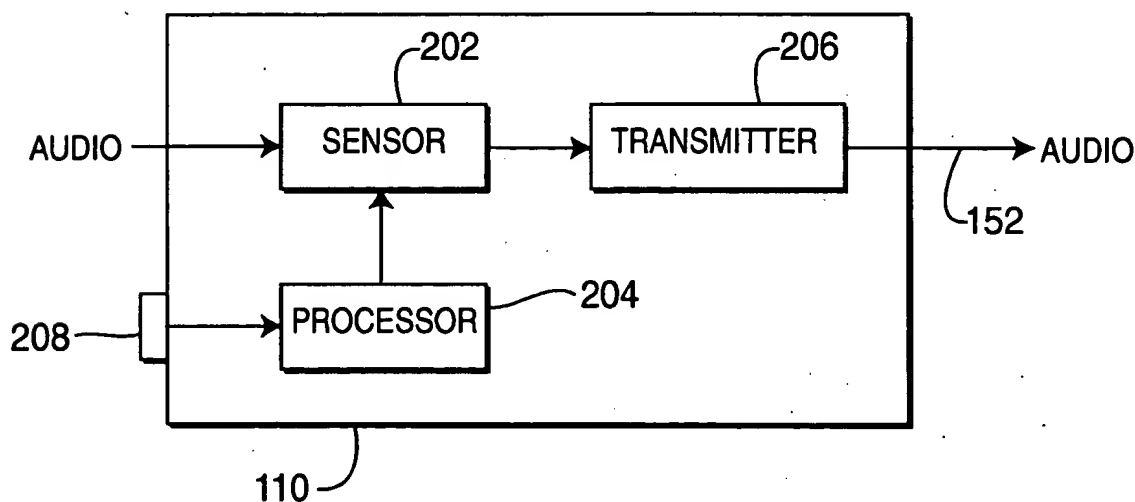
A handwritten signature in black ink, appearing to read "David D. Knepper". The signature is fluid and cursive, with the first name "David" and last name "Knepper" clearly distinguishable.

DAVID D. KNEPPER  
PRIMARY EXAMINER

1/2



**FIG. 1**



**FIG. 2**